

# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Procurement Of Materials And Supplies For The Fire Department From The Department Of General Services

MEETING DATE: November 7, 2001

PREPARED BY: Michael E. Pretz, Fire Chief

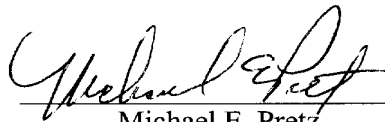
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RECOMMENDED ACTION: Council approve resolution approving procurement of materials and supplies for the Fire Department from the Department of General Services.

BACKGROUND INFORMATION: The federal government Department of General Services has a program to assist public agencies procuring surplus materials and supplies. The Lodi Police Department has utilized this program for an extended time and has secured excess government supplies. They have acquired equipment from SWAT team supplies to trucks for minimal or no cost.


The Lodi Fire Department has many areas of emergency services that would benefit from acquiring supplies from the Dept. of General Services. The recent terrorist activities have increases our need to protect the public from activities that could result in the need for hazardous materials team responses, various rescue situations, arson and bomb incidents, as well as major fires.

The Fire Chief will monitor the acquisition of equipment and supplies and major acquisition would be subject to City Manager and City Council approval. There is no cost to the City for the acquisition of this equipment. The Fire Department must follow federal rules for property acquisition as defined in the Department of General Services guidelines.



Michael E. Pretz  
Fire Chief

APPROVED: \_\_\_\_\_



H. Dixon Flynn -- City Manager

RESOLUTION NO. 2001-247

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING  
PROCUREMENT OF MATERIALS AND SUPPLIES FROM  
THE DEPARTMENT OF GENERAL SERVICES

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BE IT RESOLVED by the Lodi City Council that the employees whose names, titles, and signatures are listed on Exhibit A attached hereto shall be and are hereby authorized as the City of Lodi representatives to acquire federal surplus property from the California State Agency for Surplus Property under the terms and conditions listed on Exhibit A.

Dated: November 7, 2001

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I hereby certify that Resolution No. 2001-247 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 7, 2001, by the following vote:

AYES: COUNCIL MEMBERS – Howard, Land, Pennino and Mayor  
Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hitchcock

ABSTAIN: COUNCIL MEMBERS – None

  
SUSAN J. BLACKSTON  
City Clerk


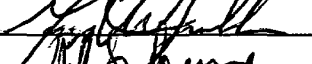
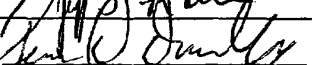

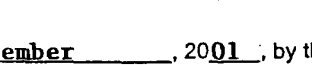
Department of General Services  
Procurement Division  
Surplus Property  
1700 NATIONAL DRIVE  
SACRAMENTO, CA 95834-1965  
(916) 928-4630

SP Form No. 202 (2/2000)

www.pd.dgs.ca.gov/materials/surplus.asp

### RESOLUTION

"BE IT RESOLVED by the Governing Board, **OR** by the Chief Administrative Officer of those organizations which do not have a governing board, and hereby ordered that the official(s) and/or employee(s) whose name(s), title(s), and signature(s) are listed below shall be and is (are) hereby authorized as our representative(s) to acquire federal surplus property from the California State Agency for Surplus Property under the Terms and Conditions listed on the reverse side of this form."

A.	NAME-(Print or type)	TITLE	SIGNATURE	E-MAIL ADDRESS
	<u>Verne Person</u>	<u>Division Chief</u>		<u>vperson@lodi.gov</u>
	<u>George Juelch</u>	<u>Battalion Chief</u>		<u>gjuelch@lodi.gov</u>
	<u>Jeff Larson</u>	<u>Battalion Chief</u>		<u>jlarson@lodi.gov</u>
	<u>Kevin Donnelly</u>	<u>Battalion Chief</u>		<u>kdonnelly@lodi.gov</u>
	<u>Ron Heberle</u>	<u>Battalion Chief</u>		<u>rheberle@lodi.gov</u>

B. PASSED AND ADOPTED this 7th day of November, 2001, by the Governing Board of  
the City of Lodi

by the following vote: AYES: 4; NOES: 0; ABSENT: 1

I, Susan J. Blackston, City Clerk of the Governing Board of  
the City of Lodi do hereby certify that the foregoing is a full,  
true, and correct copy of a resolution adopted by the Board at a City Council meeting  
thereof held at its regular place of meeting at the date and by the vote above stated, which  
resolution is on file in the office of the Board.

City of Lodi Fire Department

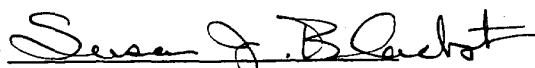
Name of organization

217 W. Elm Street

Mailing address

Lodi San Joaquin 95240  
City County ZIP code

(Signed)

  
Susan J. Blackston  
City Clerk

OR

C. AUTHORIZED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by:

\_\_\_\_\_  
Name of Chief Administrative Officer

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name of organization

\_\_\_\_\_  
Mailing address

\_\_\_\_\_  
City County ZIP code

(Signed)

NOTE: IF YOU HAVE A GOVERNING BOARD, SECTIONS "A" AND "B" SHOULD BE COMPLETED.  
IF YOU DO NOT HAVE A GOVERNING BOARD, SECTIONS "A" AND "C" SHOULD BE COMPLETED.

## TERMS AND CONDITIONS

### (A) THE DONEE CERTIFIES THAT:

- (1) It is a public agency; or a nonprofit institution or organization, exempt from taxation under Section 501 of the Internal Revenue Code of 1954; within the meaning of Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the administrator of General Services.
- (2) If a public agency, the property is needed and will be used by the recipient for carrying out or promoting for the residents of a given political area one or more public purposes, or, if a nonprofit tax-exempt institution or organization, the property is needed for and will be used by the recipient for educational or public health purpose, including research for such purpose, or for programs for older individuals. The property is not being acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the state, except with prior approval of the state agency.
- (3) Funds are available to pay all costs and charges incident to donation.
- (4) This transaction shall be subject to the nondiscrimination regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964, Title VI, Section 606, of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975.

### (B) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:

- (1) All items of Property shall be placed in use for the purpose(s) for which acquired within one year of receipt and shall be continued in use for such purpose(s) for one year from the date the property was placed in use. In the event the property is not so placed in use, or continued in use, the donee shall immediately notify the state agency and, at the donee's expense return such property to the state agency, or otherwise make the property available for transfer or other disposal by the state agency, provided the property is still usable as determined by the state agency.
- (2) Such special handling or use limitations as are imposed by General Services Administration (GSA) on any item(s) of property listed hereon.
- (3) In the event the property is not so used or handled as required by (B) (1) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the donee shall release such property to such person as GSA or its designee shall direct.

### (C) THE DONEE AGREES TO THE FOLLOWING CONDITIONS IMPOSED BY THE STATE AGENCY, APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF \$5,000 OR MORE AND PASSENGER MOTOR VEHICLES, REGARDLESS OF ACQUISITION COST, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT:

- (1) The property shall be used only for the purpose(s) for which acquired and for no other purpose(s).
- (2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for a period of 18 months from the date the property is placed in use, except for such items of major equipment, listed hereon, on which the state agency designates a further period of restriction.
- (3) In the event the property is not so used as required by (C) (1) and (2) and federal restrictions (B) (1) and (2) have expired Then title and right to the possession of such property shall at the option of the state agency revert to the State of California and the donee shall release such property to such person as the state agency shall direct.

### (D) THE DONEE AGREES TO THE FOLLOWING TERMS, RESERVATIONS, AND RESTRICTIONS:

- (1) From the date it receives the property listed hereon and through the period(s) of time the conditions imposed by (B) and (C) above remain in effect, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber or otherwise dispose of such property, or remove it permanently, for use outside the state without the prior approval of GSA under (B) or the state agency under (C). The proceeds from any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when such action is authorized by GSA or by the state agency, shall be remitted promptly by the donee to GSA or the state agency, as the case may be.
- (2) In the event any of the property listed hereon is sold, traded, leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, without the prior approval of GSA or the state agency, the donee, at the option of GSA or other state agency, shall pay to GSA or the state agency, as the case may be, the proceeds of the disposal or the fair market value or the fair rental value of the property at the time of such disposal, as determined by GSA or the state agency.
- (3) If at anytime, from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, any of the property listed hereon is no longer suitable, usable, or further needed by the donee for the purpose(s) for which acquired, the donee shall promptly notify the state agency, and shall, as directed by the state agency, return the property to the state agency, release the property to another donee or another state agency or a department or agency of the United States, sell, or otherwise dispose of the property. The proceeds from any sale shall be remitted promptly by the donee to the state agency.
- (4) The donee shall make reports to the state agency on the use, condition, and location of the property listed hereon, and on other pertinent matters as may be required from time to time by the state agency.
- (5) At the option of the state agency, the donee may abrogate the conditions set forth in (C) and the terms, reservations, and restrictions pertinent thereto in (D) by payment of an amount as determined by the state agency.

### (E) THE DONEE AGREES TO THE FOLLOWING CONDITIONS, APPLICABLE TO ALL ITEMS OF PROPERTY LISTED HEREON:

- (1) The property acquired by the donee is on an "as is," "where is" basis, without warranty of any kind.
- (2) Where a donee carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to donated property with unexpired terms, conditions, reservations, or restrictions occurs, the state agency will be entitled to reimbursement from the donee out of the insurance proceeds, of an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated items.

### (F) TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$5,000 OR MORE, REGARDLESS OF THE PURPOSE FOR WHICH ACQUIRED:

The donation shall be subject to the terms, conditions, reservations, and restrictions set forth in the Conditional Transfer. Document executed by the authorized donee representative.

DEPARTMENT OF GENERAL SERVICES  
PROCUREMENT DIVISION  
SURPLUS PROPERTY  
1700 NATIONAL DRIVE  
SACRAMENTO, CA 95834-1965  
(916) 928-4630

SASP Form 201 (02/2000)  
www.pd.dgs.ca.gov/materials/surplus.asp

New \_\_\_\_\_

STATE OF CALIFORNIA  
APPLICATION FOR ELIGIBILITY  
FEDERAL SURPLUS PROPERTY PROGRAM

Before preparing this application, please read carefully the definitions given under Part B. Fill out all applicable sections.

A. Name of Organization City of Lodi Fire Department Telephone (209) 333-6735  
Address 217 W. Elm Street City Lodi County San Joaquin Zip 95240

1. Application is being made as a (please check one) (a) Public agency ☐ or (b) Private, nonprofit and tax-exempt educational or public health organization. Please provide evidence that the organization is a public agency or enclose a copy of the letter or certificate from the United States Internal Revenue Service evidencing tax-exemption under Section 501 of the Internal Revenue Code of 1954.
2. Check type of agency or organization and attach a supplement to this application describing the program operations and activities. For private, nonprofit organizations, the following *additional* information is required: (a) For educational institutions, include a description of the curriculum, the number of days the school year, and the number and qualification of the faculty or staff; (b) If a public health institution or organization, include a description of the health services offered, qualifications of staff and, if applicable, the number of beds, the number of resident physicians, and number of registered nurses on the staff.

PUBLIC AGENCY: Check either state <input type="checkbox"/> or local <input checked="" type="checkbox"/>		NONPROFIT AGENCY OR ORGANIZATION:	
<input type="checkbox"/> Conservation		<input type="checkbox"/> Education	
<input type="checkbox"/> Economic Development		<input type="checkbox"/> Grade level _____	
<input type="checkbox"/> Education			(Preschool, University)
<input type="checkbox"/> Grade Level _____		<input type="checkbox"/> Enrollment _____	
	(Preschool, university)	<input type="checkbox"/> No. of school sites _____	
<input type="checkbox"/> Enrollment _____		<input type="checkbox"/> School for the mentally or physically handicapped	
<input type="checkbox"/> No. of school sites _____		<input type="checkbox"/> Educational radio or television station	
<input type="checkbox"/> Parks & Recreation		<input type="checkbox"/> Museum	
<input type="checkbox"/> Public Health		<input type="checkbox"/> Library	
<input checked="" type="checkbox"/> Public Safety		<input type="checkbox"/> Medical institution	
<input type="checkbox"/> Two or more of above		<input type="checkbox"/> Hospital	
<input type="checkbox"/> Other (specify) _____		<input type="checkbox"/> Health center	
		<input type="checkbox"/> Clinic	
		<input type="checkbox"/> Other (specify) _____	

3. Check if the applicant program is approved ☐; accredited ☐; or licensed ☐. Enclose evidence of such approval, accreditation, or licensing. If the applicant lacks evidence of formal approval, accreditation, or licensing, check here ☐ and refer to the enclosed instructions.
4. Are the applicant's services available to the public at large? Yes. If only a specified group of people is served, please indicate who comprises this group. \_\_\_\_\_
5. Checklist of attachments submitted with this application:  
☐ Evidence that applicant's program is a public agency or exempt from paying taxes under Section 501 of the IRS Code of 1954.  
☐ Description of program operations and activities.  
☐ Evidence of approval, accreditation, or licensing or information submitted in lieu thereof.  
☒ SASP Form No. 202, "Resolution," properly signed, designating representatives authorized to bind the applicant to the terms and conditions governing the transfer of federal surplus personal property.  
☒ SASP Form No. 203, nondiscrimination compliance assurance.  
☐ Statement concerning applicant's needs, resources, and ability to utilize the property.  
☐ Other statements or documentation required, as specified in the instructions, for certain categories of applicants.

Date: 11/18/01 Signed: [Signature] Title: H. Dixon Flynn, City Manager

FOR STATE AGENCY USE

Applications approved \_\_\_\_\_ Applications disapproved \_\_\_\_\_  
Comments or additional information: \_\_\_\_\_

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

**Accredited:** Approval by a recognized accrediting board or association on a regional, state, or national level, such as state board of education or health; the American Hospital Associations; a regional or national accrediting association for universities, colleges, or secondary schools; or another recognized accrediting association.

**Approved:** Recognition and approval by the State Department of Education, State Department of Health, or other appropriate authority. With respect to an educational institution, approval must relate to academic or instructional standards. An educational institution may be considered as approved if its credits are accepted by accredited or state-approved institutions or if it meets the academic or instructional standards prescribed for public schools in the state.

**Child care center:** A public or nonprofit facility where day care services such as educational, social, health, and nutritional services are provided to children through age 14 and which is approved or licensed by the state or other appropriate authority.

**Clinic:** An approved public or nonprofit facility organized and operated for the primary purpose of providing outpatient public health services including customary related services such as laboratories and treatment rooms.

**College:** An approved or accredited public or nonprofit institution of higher learning offering organized study courses and credits leading to a baccalaureate or higher degree.

**Conservation:** A program or programs carried out or promoted by a public agency for public purposes involving, directly or indirectly, the protection, maintenance, development, and restoration of the natural resources of a given political area. These resources include but are not limited to the air, land, forest, water, rivers, streams, lakes and ponds, minerals, and animals, fish, and other wildlife.

**Economic development:** A program or programs carried out or promoted by a public agency for public purposes which involve, directly or indirectly, efforts to improve, efforts to improve the opportunities of, a given political area for the successful establishment or expansion of industrial, commercial, or agricultural plants or facilities and which otherwise assist in the creation of long term employment opportunities in the area or primarily benefit the unemployed or those with low incomes.

**Educational institution:** An otherwise eligible public or nonprofit institution, facility, entity or organization conducting educational programs, including research for any such programs, such as child care center, school, college, university, school for the mentally or physically handicapped, educational radio or television station, museum, or library.

**Educational radio stations:** A radio station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and which is public or nonprofit and tax exempt under Section 501 of the Internal Revenue Code of 1954.

**Educational television station:** A television station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and which is public or nonprofit and tax exempt under Section 501 of the Internal Revenue Code of 1954.

**Health center:** An approved public or nonprofit facility utilized by a health unit for the provision of public health services, including related facilities such as diagnostic and laboratory facilities and clinics.

**Hospital:** An approved or accredited public or nonprofit institution providing public health services primarily for inpatient medical or surgical care of the sick and injured, including related facilities such as laboratories, outpatient departments, training facilities, and staff offices.

**Library:** A public or nonprofit facility providing library services free to all residents of a community, district, state or region.

**Medical institution:** An otherwise eligible public or nonprofit institution, facility, entity, or organization the primary function of which is the furnishing of health and medical services to the public at large or promoting public health through the conduct of research for any such purposes, experiments, training, or demonstrations related to the cause, prevention, and methods of diagnosis and treatment of diseases and injuries. The term includes but is not limited to hospitals, clinics, alcoholic and drug abuse treatment centers, public health or treatment centers, research and health centers, geriatric center laboratories, medical schools, dental schools, and similar institutions. The term does not include institutions primarily engaged in domiciliary care although a separate medical facility within such a domiciliary institution may qualify as a "medical institution."

**Museum:** A public or nonprofit activity which: (a) owns or uses articles of artistic, cultural, scientific or historical interest; (b) employ qualified full time staff member which devotes his or her time primarily to the acquisition, care, preservation and exhibition of objects owned; and, (c) exhibits those articles on a regular basis to the public free or at a nominal charge.

**Nonprofit institution:** An educational or public health institution or organization, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual which has been held to be tax exempt under the provisions of Section 501 of the Internal Revenue Code of 1954.

**Park and recreation:** A program or programs carried out or promoted by a public agency for public purposes which involve directly or indirectly the acquisition, development, improvement, maintenance and protection of park and recreational facilities for the residents of a given political area. These facilities include but are not limited to park playgrounds and athletic fields, swimming pools, golf courses, nature facilities, and nature trails.

**Public agency:** Any state; any political subdivision thereof, including any unit of local government or economic development district; any department, agency, instrumentality thereof, including instrumentalities created by compact or other agreement between a state and another state, a political subdivision, a multi-jurisdictional substate district established by or pursuant to state law, or any Indian tribe, band, group, pueblo, or community located on a state reservation.

**Public health:** A program or programs to promote, maintain, and conserve the public's health by providing health services to individuals and by conduct of research, investigations, examination, training, and demonstrations. Public health services may include but are not limited to immunization, maternal and child health programs, sanitary engineering, sewage treatment and disposal, sanitation inspection and supervision, water purification and distribution, air pollution control, garbage and trash disposal, the control and elimination of disease-carrying animals and insects, and the control of communicable diseases.

**Public safety:** A program or programs carried out or promoted by a public agency for public purposes involving, directly or indirectly, the protection, safety, and law enforcement activities and the criminal justice system of a given political area. Public safety programs may include but are not limited to those carried out by public police departments, sheriff's offices, the courts, penal and correctional institutions including juvenile facilities, state and civil defense organizations, and fire departments and rescue squads including volunteer fire departments and rescue squads supported in whole or in part with public funds.

**School (except schools for the mentally or physically handicapped):** A public or nonprofit, approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction, which operates primarily for educational purposes on a full-time basis for a minimum school year and employs a full-time staff of qualified instructors.

**School for the mentally handicapped:** A facility or institution operated primarily to provide specialized instruction to students of limited mental capacity. It must be public or nonprofit and must operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction of the mentally handicapped, have a staff of qualified instructors, and demonstrate that the facility meets state and local health and safety standards.

**School for the physically handicapped:** A school organized primarily to provide specialized instruction to students whose physical handicaps necessitate individual or group instructions. The schools must be public or nonprofit and operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction for the physically handicapped, have a staff of qualified instructors, and demonstrate that the facility meets state and local health and safety standards.

**Tax supported organization:** One which receives a major portion of its financial support from moneys derived from state or local government revenues.

**University:** A public or nonprofit, approved or accredited institution of higher education empowered to confer degrees in special departments or colleges.

SP Form 203  
(3-82)

ASSURANCE OF COMPLIANCE WITH GSA REGULATIONS UNDER  
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 606  
OF TITLE VI OF THE FEDERAL PROPERTY AND ADMINISTRATIVE  
SERVICES ACT OF 1949, AS AMENDED, SECTION 504 OF  
THE REHABILITATION ACT OF 1973, AS AMENDED,  
TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AS AMENDED  
AND SECTION 303 OF THE AGE DISCRIMINATION ACT OF 1975.

City of Lodi Fire Department, (hereinafter called the "donee"  
(Name of donee organization)

HEREBY AGREES THAT the program for or in connection with which any property is donated to the donee will be conducted in compliance with, and the donee will comply with and will require any other person (any legal entity) who through contractual or other arrangements with the donee is authorized to provide services or benefits under said program to comply with, all requirements imposed by or pursuant to the regulations of the General Services Administration (41 CFR 101-6.2) issued under the provisions of Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975, to the end that no person in the United States shall on the ground of race, color, national origin, sex, or age, or that no otherwise qualified handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the donee received Federal assistance from the General Services Administration; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

The donee further agrees that this agreement shall be subject in all respects to the provisions of said regulations; that this agreement shall obligate the donee for the period during which it retains ownership or possession of any such property; that the United States shall have the right to seek judicial enforcement of this agreement; and, this agreement shall be binding upon any successor in interest of the donee and the word "donee" as used herein includes any such successor in interest.

Date 11/8/01 City of Lodi Fire Department  
Donee Organization

By [Signature]  
H. Dixon Flynn (President/Chairman of the Board  
City Manager or comparable authorized official)

217 W. Elm Street

Lodi, CA 95240

Donee Mailing Address